

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

HELEN L. TEIXERA POWER,

Plaintiff,

v.

CAROLYN COLVIN, Acting Commissioner
of Social Security Administration,

Defendant.

Case No. 3:15-cv-00311-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is Magistrate Judge William G. Cobb's Report and Recommendation ("R&R" or "Recommendation") (ECF No. 19), regarding Plaintiff Helen L. Teixeira Power's motion for reversal and/or remand (ECF No. 15) and Defendant Commissioner's cross-motion to affirm and opposition to Plaintiff's motion to remand (ECF Nos. 16, 17). Judge Cobb entered the R&R on July 19, 2016. (ECF No. 19.) The Court allowed the parties to file any objections by August 5, 2016 (ECF No. 19). To date, no objections have been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

1 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
2 magistrate judge's report and recommendation where no objections have been filed. See
3 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
4 of review employed by the district court when reviewing a report and recommendation to
5 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
6 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
7 view that district courts are not required to review "any issue that is not the subject of an
8 objection"). Thus, if there is no objection to a magistrate judge's recommendation, then
9 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
10 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
11 which no objection was filed).

12 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
13 order to determine whether to adopt the R&R. The R&R recommends that the matter be
14 remanded for further proceedings to addresses a number of issues identified in the R&R.
15 Upon review of the R&R and the records in this case, the Court finds good cause to
16 adopt the R&R in full.

17 It is hereby ordered that the R&R (ECF No. 19) is accepted and adopted.


18 It is further ordered that Plaintiff's motion to remand (ECF No. 15) is granted.

19 It is further ordered that the Commissioner's cross-motion to affirm (ECF No. 16) is
20 denied.

21 It is further ordered that the matter is remanded to the ALJ for further proceedings
22 consistent with the Report and Recommendation (ECF No. 19).

23 The Clerk is directed to enter judgment in accordance with this Order and close this
24 case.

25 DATED THIS 19th day of September 2016.

26 
27 _____
28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE